



U.S. DEPARTMENT of STATE

Senegal

2004 Country Reports on Human Rights Practices

Senegal is a moderately decentralized republic dominated by a strong presidency. In 2000, Abdoulaye Wade, backed by a coalition of opposition parties, became President in an election generally viewed as both free and fair. There continued to be a reduction in the level of violence in the Casamance during the year and security conditions improved. The rebel leadership signed a ceasefire with the Government on December 30. The judiciary was subject to executive influence and pressure.

The armed forces were professional, generally well disciplined, and firmly under civilian control. The police and the paramilitary gendarmerie are somewhat less professional and disciplined. The civilian authorities maintained effective control of the security forces. A few members of the security forces committed isolated human rights abuses.

The economy is market-based with modest foreign investment, particularly in the tourism sector. The population was estimated at 10 million. The economy is predominantly agricultural. The rate of economic growth was 6.3 percent and inflation was well below 1 percent. The Government received external assistance from international financial institutions and other sources, amounting to 26 percent of the national budget.

The Government generally respected its citizens' rights; however, there were problems in some areas. Security forces were responsible for at least one death during the year. Unlike in the previous year, there were no reports of torture or that police beat suspects during questioning; however, arbitrary arrest, prolonged pretrial detention, and impunity remained problems. Unlike in the previous year, the Government did not limit freedom of speech or association; however, the Government detained a private journalist during the year. Due to improved security conditions, freedom of movement improved considerably in the Casamance region during the year. Domestic violence, discrimination against women, female genital mutilation (FGM), trafficking in persons, and child labor remained problems.

There were reports that MFDC (Movement of Democratic Forces of the Casamance) rebels in Casamance continued to commit armed robberies and rapes; however the MFDC's violence against civilians and government forces declined significantly during the year.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no political killings by the Government or its agents; however, gendarmes killed a civilian protestor (see Section 2.b.).

There was no action taken against the government soldiers responsible for the 2003 killing of a man in Mandina Mancagne.

There were isolated incidents of violence between military and Casamance rebel forces; however, there were no reports of civilian casualties. For example, in April, rebels attacked a military de-mining team, which resulted in the deaths of three soldiers.

During the year, newspapers reported three cases of mob violence that resulted in four deaths. Three victims had been accused of robbery, and one had been accused of rape.

b. Disappearance

There were no reports of politically motivated disappearances during the year.

Human rights groups criticized the Government for its unwillingness to take responsibility and resolve cases of disappearances linked to government security forces from previous years.

There were no developments in the 2002 disappearance of five Casamance fishermen.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such treatment, and there were no reports that government officials employed them during the year.

Unlike in the previous year, there were no reports that police beat journalists.

Human rights groups said MFDC rebels continued to sexually assault women in northern Casamance, specifically in the villages of Djibidjone and Sindian. Rebels used sexual assault as a weapon to gain material support from villagers. The Government established an office in Casamance to process claims of sexual abuse; however, it was not open at year's end.

There were no developments in the investigation into the October 2003 assault on Talla Sylla, leader of the opposition political party Jef-Jel and vocal critic of President Wade. Many NGOs believed the assault was politically motivated and carried out by individuals close to President Wade; however, this remained unproven. The case was under judicial investigation at year's end.

Land mines continue to claim civilian victims in Casamance. During the year, the nongovernmental organization (NGO) Handicap International reported the cases of 17 landmine victims. It was unclear whether government forces or rebels laid the mines.

Prison conditions were poor, and prisons remained overcrowded. During the year, at least five prisoners apparently died of disease while in custody. Human rights groups claimed prisons did not meet international standards. The National Organization for Human Rights (ONDH), a local human rights NGO, identified overcrowding as the major problem facing the country's prisons. According to media

reports, the Government has not constructed a new prison since 1960. Due to old and overburdened infrastructure, prisons experienced drainage problems during the rainy season and stifling heat during the summer. Prisons lacked doctors and medicine to provide care for sick inmates, forcing them to be evacuated for treatment.

At year's end, there were no developments, nor were any likely, in the case of six prison guards accused of torturing Alioune Badara Mbengue while he was in detention in 2002.

Women generally were held separately from men and juveniles generally were housed separately from adults. Although pretrial detainees were usually held separately from convicted prisoners, as required by law, they were occasionally kept with convicted prisoners due to limited space. Local NGOs reported that prisoner separation regulations were not enforced consistently.

The Government permits prison visits by independent human rights monitors. In August, ONDH began a national survey of prison conditions with the Government's consent and assistance. AI's Dakar bureau commended prison authorities for openly discussing prison needs and shortcomings, and a U.N High Commissioner for Refugees (UNHCR) representative stated detention procedures had improved. Representatives of RADDHO were able to gain access to prisoners during the year.

d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention; however, the authorities at times arbitrarily arrested and detained persons.

The police force contains 10 departments as part of the Directorate General of National Safety. In each of the country's 11 regions, police have at least 1 police station and at least 1 mobile safety brigade. Dakar has more than 15 police stations, which are spread throughout the city. Most police chiefs were well-educated and well-trained. A foreign government has also helped facilitate training of the police force in a number of areas, such as crisis response, airport security, hostage negotiation, and trafficking in persons.

Impunity was a problem. No members of security forces responsible for human rights violations in the past, including disappearances and police brutality, were charged or prosecuted during the year; however, authorities punished some cases of corruption. During the year, the Government arrested a group of customs officers at the Port of Dakar for fraudulent and corrupt practices in clearing incoming goods. The officers were released and were awaiting trial at year's end. In 2003, a police chief was charged with corruption; however, his case was still pending at year's end. NGOs that worked with prostitutes accused police officers of corruption, claiming police officers took money from prostitutes to overlook noncompliance with the legalized prostitution regime and other laws.

Although the law specifies that warrants issued by judges are required for arrests, the law also grants the police broad powers to detain prisoners for lengthy periods of time before filing formal charges. Police officers may hold suspects without filing formal charges for up to 48 hours after arrest, up to 96 hours if authorized by a public prosecutor, and up to 192 hours in cases involving threats to state security; and these provisions were respected in practice. During the first 48 hours of

detention, the accused has no access to an attorney but has the right to a medical exam and possible access to family. If necessary, a prosecutor can also demand a medical examination of the accused. The accused has the right to an attorney after this initial period of detention at his/her own expense. For those who could afford representation, this right was respected in practice. The Government does not provide legal aid to indigents prior to trial. Bail is possible, but was rarely used.

The accused may not be held in custody for more than 6 months pending trial for minor crimes. In cases involving murder, threats to state security, and embezzlement of public funds, there are no limits on the length of pretrial detention. Judges are allowed the time necessary to investigate these more serious cases. A court may review such extensions on appeal. Judges could order release pending trial with the prosecutor's consent. If a prosecutor disagrees with a judge's decision to order release, the order is frozen until the appeals court decides to grant or deny the release.

The authorities may detain a prisoner for long periods while building their case; police were rarely prosecuted for violations of arrest and detention procedures. Prisoners were routinely held in custody unless and until a court demanded their release. Despite the 6-month limit on detention for most crimes, the average time between charging and trial was 2 years. ONDH claimed detainees were held for years awaiting trial. Judicial backlogs of up to 400 cases contributed to long periods of pretrial detention. Since judges lacked sufficient time to review all cases, orders to extend detention were often signed without individual consideration of the facts to avoid releasing potentially guilty detainees. The Government continued to detain foreigners in police custody who had finished serving prison sentences and awaited repatriation. In May, RADDHO criticized authorities at Dakar's Central Prison for holding foreign nationals in inhumane conditions while they awaited repatriation. RADDHO claimed 120 detainees were held in a 10 meter-by-10-meter cell, a charge that prison authorities disputed.

Military authorities stationed in Casamance continued to reduce the number of human rights abuses committed by security forces under their command. Although NGOs confirmed that there were fewer complaints of arbitrary arrests, lengthy detention, and abuse during detention, there were no available statistics. Unlike in previous years, there were no reports that government forces detained Casamancais for suspected membership in the MFDC.

On July 7, the National Assembly unanimously adopted an amnesty law for MFDC rebels.

e. Denial of Fair Public Trial

The Constitution provides for a judiciary independent of the executive, the legislature, and the armed forces; however, in practice the judiciary was subject to government influence and pressure. Low pay, poor working conditions, and family and political ties made magistrates vulnerable to outside pressure. Since the executive branch controls judicial promotions, judges were subject to executive influence. During the year, judges were transferred for what NGOs and the media thought were political reasons. For example, a senior judge, who had served as the Dean of Judges in Dakar and as President of the Regional Court of Dakar, was transferred from Dakar to the Louga region, a move human rights groups believed resulted from the judge's resistance to political pressure in a high-profile case in

2003. Ministry of Justice officials have substantial authority to influence judicial procedures by keeping suspects in pretrial detention.

Based on French civil law, the legal system is composed of ordinary courts and several higher and special courts, including the Council of State, the Constitutional Council, the Court of Final Appeal, and the Accounting Court. These courts remained understaffed, and many of the special courts, including those that deal with unlawful enrichment, treason, and official malfeasance, were dormant. Muslims have the right to choose Muslim-based laws contained in the Family Code for marriage and succession cases. While civil court judges are empowered to preside over civil and customary law cases, some disputes are turned over to religious judges for adjudication, particularly in rural areas. There is a separate system of military courts for the armed forces and gendarmerie. The right of appeal exists in all courts, including military courts, except the special Unlawful Enrichment Court, which was established to try corruption cases against public officials. Military courts may try civilians only if they were involved with military personnel who violate military law.

Defendants are presumed innocent and have the right to a public trial, be present in court, confront witnesses, present evidence, and have an attorney. Some defendants were denied legal representation at public expense due to a lack of funds. Evidentiary hearings may be closed to the public and the press, but defendant and counsel have access to all evidence presented and may introduce their own evidence before the investigating judge decides to refer a case for trial. A panel of judges presides over ordinary courts in civil and criminal cases. Jurors also sit on the panels during special sessions of the criminal court.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits arbitrary invasion of the home, and the Government generally respected this prohibition in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; and, unlike in the previous year, the Government generally respected these rights in practice and did not restrict academic freedom. However, some journalists reported they felt intimidated about criticizing the President in the press. The independent media were active and expressed a wide variety of views without restriction. There were at least 15 independent and 3 government-affiliated dailies and several weekly newspapers and magazines. Publishers were required to register prior to starting a publication; however, government approval was routine.

Radio was the most important medium of mass information and the main source of news for citizens outside urban areas. There were more than 25 privately owned radio stations and all of the locally owned stations broadcast national news and political commentary. Community radio leaders criticized the lack of transparency in the system for requesting and granting radio frequencies. After the Ministry of Communication receives a request for a frequency, the request is forwarded to the Agency of Regulation and Communication (ART), which renders a technical judgment

based upon frequency strength and location. Once ART has evaluated the technical feasibility and passed on its recommendation, the Ministry of Communication decides whether to grant the frequency.

A government monopoly controlled local television, an important source of news. While there were no privately owned domestic television stations, French- and South African-owned satellite television services offered international programming and news. Neither of these international services provided domestic news coverage.

On July 9, Madiambal Diagne, editor of a private daily newspaper, was arrested for printing what the Government claimed to be "confidential" material and threatening public order. After spending more than 2 weeks in detention, Diagne was released. Domestic and international observers criticized Diagne's arrest, and journalist and civil society groups conducted peaceful demonstrations to demand his release.

In January, the Court of Appeals overturned Abdou Latif Coulibaly's 2003 3-month prison sentence but upheld a monetary damages award. There were no reports that police beat journalists during the year or that journalists were expelled from the country. No action was taken against police officers who beat journalist Ibrahima Fall in January 2003.

Compared to the previous year, there were fewer reports that opposition members and journalists were threatened or harassed after criticizing the President.

The High Audiovisual Council (HCA) exists to ensure equitable coverage between different religious and political viewpoints, but, in practice, lacked the means to do so. A local NGO criticized the HCA for being inefficient and for lacking coherent policies. As a result, according to various human rights groups, there has been a troubling growth in radio stations controlled by single religious, political, or ethnic groups.

In July, the HCA criticized the government-run TV station RTS for failing to respect its obligation to broadcast at least once per month a debate program on national issues reflecting a diversity of opinions. Shortly after these remarks were made, RTS began broadcasting a debate program that included opposition political party members. The HCA also questioned the lack of equal television coverage for all religious groups. Human rights groups accused RTS of not respecting pluralism in its broadcasts.

In May, police officials and press representatives met at a workshop to discuss press freedom and security concerns. According to the country's largest journalist union, this meeting contributed to the absence of violent confrontations between journalists and police officers during the year.

The Government did not restrict access to the Internet.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice. Local NGOs agreed that respect for freedom of assembly had improved greatly under President Wade's administration.

There was one reported killing of a demonstrator during the year. On September 16, gendarmes were dispatched to manage young demonstrators demanding electricity for the Casamance rural community of Mampatim. The gendarmes responded to what they perceived as an increasingly aggressive demonstration by shooting and killing a 19-year-old protestor and injuring three other protestors. An investigation into the incident was ongoing at year's end.

Unlike in the previous year, the Government did not attempt to dissolve any organizations.

The Government did not go through with the threatened dissolution of the Association of Families of the Victims of the Joola, and the association did not vacate government premises by year's end.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

Any group--religious or otherwise--that wants to form an association with legal status must register with the Ministry of Interior in accordance with the civil and commercial code. Registration was generally granted.

In January, the Government ordered a police investigation and provided improved security services for the Archbishop of Dakar following a threatening letter sent to the Archbishop that contained death threats against the country's Catholic clergy.

For a more detailed discussion, see the 2004 International Religious Freedom report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice. Some public employees, including teachers, are required by law to obtain government approval before departing the country; however, human rights groups noted that this law was only enforced against teachers and not other public servants.

Government security forces maintained checkpoints in some parts of Casamance for security purposes, but freedom of movement increased over the previous year. There continued to be military checkpoints in Ziguinchor and near the borders with Guinea-Bissau and The Gambia. Security forces generally allowed travelers to proceed after checking documents and searching vehicles.

During the year, there were fewer armed robberies and assaults committed by MFDC rebels against civilians in Casamance.

The Constitution prohibits forced exile, and the Government did not employ it.

During the **22**-year Casamance conflict, tens of thousands of Casamancais were forced to flee their villages due to fighting, forced removal, and land mines. Because of improved security conditions, internally displaced persons (IDPs) and refugees

were returning to their villages at year's end. During the year, the Government continued to help returning IDPs and refugees reconstruct their homes and villages.

The law provides for the granting of refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided some protection against refoulement, the return of persons to a country where they feared persecution. The Government granted refugee or asylum status. The Government cooperated with the office of the UNHCR and other such humanitarian organizations in assisting refugees and asylum seekers. Human rights groups criticized the 1- to 2-year delays in providing identification documents to refugees, without which refugees were unable to find work in the formal sector.

Since conflict with Mauritania in 1989, the country has offered temporary protection for Mauritanian refugees, who generally lived in dispersed locations in the river valley along the Mauritanian border and enjoyed free movement within the country. However, most refugees could not obtain current refugee documents from the authorities and sometimes encountered administrative difficulties when using their expired refugee application receipts. While no formal repatriation agreement existed, both governments continued to permit generally unsupervised and largely informal repatriation. Due to the mobile nature of this population, the absence of identification documents, and cases of fraud, the exact number of remaining Mauritanian refugees was unknown. The UNHCR office in Podor and NGOs working with Mauritanian estimated the number to be approximately 20,000. Several hundred Bissau-Guinean and Anglophone African refugees remained in the country.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Citizens exercised their right to vote during the 2000 presidential election that ended the Socialist Party's 40-year domination of government. After 26 years in the opposition, Abdoulaye Wade, backed by a coalition of opposition parties, defeated the incumbent president in what was considered to be a free and fair election. There were reports of several incidents of pre-election violence and minor procedural irregularities; however, the majority of political parties and civil society accepted the result. In a 2001 national referendum, 94 percent of voters accepted a new Constitution.

The 2001 legislative and 2002 local elections took place without incident. In the 2001 legislative elections, characterized as free and transparent by international and national observers, President Wade's coalition won 49.6 percent of the vote and 89 of 120 seats in the National Assembly. In 2002, President Wade's coalition won 52 percent of the vote in the first local elections held since 1996. As a result, President Wade's governing coalition won control of 281 of the 441 rural, regional, and city councils.

There were 78 legally registered political parties.

On August 16, after months of debate on the best method to update the national voter registration list, the National Assembly adopted a proposal to redo the entire list, requiring all eligible voters to re-register or register for the first time. The law also mandated that a new national identity card would be the sole form of identification accepted for voter registration. The Government has until early 2006 to finish the project.

The Ministry of the Interior was responsible for the organization and implementation of elections, which opposition political parties criticized because of the Minister's partisan affiliation with President Wade. During the year, the National Electoral Observatory (ONEL) oversaw and supervised elections, with the power to order bureaucrats to obey electoral laws and initiate legal action against individuals and parties who violated these laws. Under pressure from opposition political parties, though, the Government created a committee tasked with establishing an autonomous electoral committee to replace ONEL.

The Constitution provides citizens the right to access government information freely; however, this right was limited in practice.

There were 25 women in the 120-seat National Assembly and 7 women in the 40-member Cabinet. Political parties often placed women low on electoral lists, making it difficult for them to win seats in the National Assembly.

The Government sought ethnic and geographic balance in hiring for civilian and military positions and in sharing power. There were a significant number of non-Wolof deputies in the 120-seat National Assembly and in the 40-member Cabinet. Some of these ethnic minorities included members of the Diola, Pular, Sereer, and Mancagne tribal groups.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

The Government's National Committee on Human Rights had a broad membership, including government representatives, civil society groups, and independent human rights organizations. The committee, which received its budget from the Government, had the authority to investigate abuses, including torture, on its own initiative. Unlike previous years, the Committee did not publish its annual report on human rights protection in the country.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution states that "men and women shall be equal in law" and prohibits discrimination based on sex, race, class, or language; however, gender discrimination was widespread in practice and the anti-discrimination laws often were not enforced. According to local NGOs working to protect and promote women's rights, women continued to suffer discrimination.

Women

Domestic violence is against the law; however, there were credible reports that domestic violence against women, usually wife beating, was common. The law criminalizes assaults and provides for a punishment of 1 to 5 years in prison and a fine. If the victim was a woman, the prison term and fine are both increased. Domestic violence that causes lasting injuries is punishable with a prison sentence of 10 to 20 years. If an act of domestic violence causes death, the law prescribes life in prison. Some women's rights groups felt harsh sentences under the law caused judges to require higher burdens of proof before finding potential offenders guilty, resulting in fewer total convictions for domestic violence. The Committee to Combat Violence Against Women (CLVF), a local NGO that assisted domestic violence victims, viewed the laws as important but criticized the Government's failure to permit associations to bring suit on behalf of victims.

Police usually did not intervene in domestic disputes, and most persons were reluctant to go outside the family for redress. In an interview on domestic violence, a practicing attorney told the press that judges rarely gave maximum sentences for crimes against women.

Although the law prohibited rape; however, it remained a problem. The law provides for with 5 to 10 years' imprisonment for rape; however, rapes resulting in death qualify for life imprisonment. The law was rarely enforced in practice as it was nearly impossible for victims to provide judges with sufficient proof to merit convictions. A women's rights NGO criticized the country's lack of rape shield laws and the common practice of using a woman's sexual history to defend men accused of rape.

The Wolof, the country's largest ethnic group, did not practice FGM; however, other ethnic groups did. Sealing, one of the most extreme and dangerous forms of FGM, was sometimes practiced by the Toucouleur, Mandinka, Soninke, and Bambara, particularly in rural areas. In the regions of eastern Saint-Louis, Matam, Tambacounda, Ziguinchor, and Kolda, where FGM was most prevalent, it was estimated that a majority of girls undergo FGM. The NGO Tostan estimated FGM was still practiced in thousands of villages throughout the country, particularly in the north, northeast, and southeast. In June, the Minister of Family claimed that almost 100 percent of the women in the country's northern Fouta region were FGM victims, as were 60 to 70 percent of women in the south and southeast. The practice extended to urban areas as more persons left rural villages for cities. Some girls were as young as 1-year-old when FGM was performed on them.

FGM is a criminal offense under the law, carrying a sentence of 6 months' to 5 years' imprisonment for those directly practicing FGM or ordering it to be carried out on a third person. Many citizens ignored the law against FGM. However, the Government has fought to end the practice. For example, in April, authorities convicted and sentenced the parents of 11 young girls for forcing them to submit to FGM and a foreign national for performing the ritual. The girls were reported to be between the ages of 1 and 7.

The Government had programs to educate women about the dangers of FGM, and there were national and local governmental action plans against FGM, piloted by the Ministry of Family, Social Development, and Solidarity. Despite FGM's continued existence, progress continued to be made in reducing the practice during the year. Since 1997, 1,367 communities, more than one quarter of all practicing villages, officially renounced FGM. Those villages that declared themselves against FGM

undertook extensive basic education programs, social mobilization activities, and inter-village and inter-generational awareness programs.

Sexual harassment is prohibited by law and punishable by a prison term of 5 months' to 3 years' imprisonment and a fine of \$100 to \$1,000 (50,000 to 500,000 francs); however, the Government did not effectively enforce the law and sexual harassment was a problem. Women's rights groups claimed sexual harassment victims found it difficult, if not impossible, to present sufficient proof to justify prosecutions.

Women faced pervasive discrimination, especially in rural areas where traditional customs--including polygyny--and rules of inheritance were strongest. Under national law, women have the right to choose when and whom they marry, but traditional practices restricted a woman's choice. The minimum age of consent to marry is 21 years for males and 16 years for females. Under certain conditions a judge may grant a special dispensation for marriage to a person below the age requirement. This law was not enforced in some communities where marriages were arranged. Women typically married young (usually by the age of 16 in rural areas) and averaged 5 live births. Under family law, a woman's consent is required for a polygynous union, but once in a polygynous union, a woman need not be notified or given prior approval to the man's subsequent marriage. A study of marriage practices indicated that slightly less than 50 percent of the country's marriages were polygynous.

Only an estimated 20 percent of women have paid employment, and traditional practices made it difficult for women to purchase property. Due to the fact that men are legally considered the head of household, women paid higher taxes than men for the same salary (they were taxed as single individuals without children) and employers paid child allowances to men but not to women.

In urban areas, women encountered somewhat less discrimination and were more active in government, politics, and business. Urban women usually received equal pay for equal work. Approximately 14 percent of lawyers were women. Urban women were more likely to benefit from government efforts to improve the respect for women's legal rights to divorce, alimony, and child support, and to seek education and employment.

Children

The Government was committed to children's rights and welfare. The Ministry of Family, Social Development and Solidarity is responsible for promoting children's welfare and is assisted by the Ministry of Health and the Ministry of Education, which focus on child survival and education.

The Constitution provides for free education, and education policy declares education to be compulsory for children ages 6 to 12; however, attendance was not enforced. Many children did not attend school for lack of resources or available facilities.

The Government continued working to improve its education programs during the year. In December, the Government committed 40 percent of the national budget to education. Officials also made progress on two other national education initiatives: ensuring universal education, and increasing the length of time for compulsory education. The Government continued to increase the number of classrooms and encouraged more children, particularly girls, to enter and stay in school. Due to

government, NGO, and international donor efforts, gross school enrollment reached almost 80 percent in 2003-2004 school year, with a greater than 77 percent enrollment rate for girls.

Although the situation improved, young girls still encountered greater difficulties in receiving an education. For example, when families could not afford for all of their children to attend school, parents tended to remove their daughters from school, rather than their sons. Only 23 percent of women over 15 years of age were literate, compared with 43 percent of men.

To better protect children, the Government made the age of the victim an aggravating factor for some crimes. If a rape victim is a minor, the penalty is 10 years' imprisonment. The law punishes sexual abuse of children (pedophilia) with 5 to 10 years' imprisonment. If the offender is a family member, the punishment is 10 years. Because of social pressures and fear of embarrassment, incest remained taboo and often went unreported and unpunished.

FGM was performed primarily on girls (see Section 5, Women).

Trafficking and commercial exploitation of children were problems (see Section 5, Trafficking).

Child labor was still a problem; however, the Government continued to fight child labor practices (see Section 6.d.).

Many children have been displaced due to the Casamance conflict and often lived with extended family members, neighbors, or in children's homes. The Government lacked adequate resources to effectively support these children. According to NGOs in Casamance, displaced children suffered from psychological effects of conflict, malnutrition, and poor health.

Local and international NGOs actively worked to promote children's rights through workshops and assistance programs.

Trafficking in Persons

There was no national law prohibiting trafficking in persons, and trafficking of women and children occurred in the country. In the majority of cases, traffickers could not be prosecuted effectively under other statutes. The law does prohibit pimping and kidnapping, which could be used in some trafficking cases. The High Commissioner for Human Rights was the Government's coordinator on human trafficking issues. On July 22, the Government signed a bilateral accord with Mali to repatriate trafficked Malian children.

Research indicated the country was a source, transit, and destination point for trafficking. Internal trafficking was also a problem. Reliable statistics as to the extent of the trafficking problem were unavailable. Young boys were trafficked from surrounding nations such as The Gambia, Mali, and Guinea-Bissau, and internally to participate in exploitive begging. Young girls were trafficked internally and sometimes abroad for commercial sexual and labor exploitation. The country was a transit, source, and destination country for trafficking of adult women from Nigeria, Guinea, and other West African countries for sexual and labor practices.

There were no government or NGO estimates on the problem and no government or NGO campaigns to educate the country against the dangers of trafficking. The Government offered few assistance or protection services for victims due to limited resources.

The Government operated a children's center where child trafficking victims could receive assistance and a child protection hotline to field calls concerning at-risk children.

Persons with Disabilities

There were no reports of official discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services.

The Government established schools for children with disabilities and provided grants for persons with disabilities to receive vocational training. The Government managed centers for persons with disabilities in each region where they could receive training and funding for establishing businesses.

There were no laws that mandate accessibility for persons with disabilities.

In September, police authorities forcibly moved beggars with disabilities from Dakar for violating anti-begging provisions in the law; however, these same laws were not enforced among other populations, such as young children.

National/Racial/Ethnic Minorities

The country's southern Casamance region, which lies south of The Gambia, is unique in its multi-ethnic composition and the prevalence of Christian and animist religious beliefs compared with the remaining Islamic regions of the country. Wolofs, the country's majority ethnic group, were a significant minority in Casamance. While the country's many ethnic groups have coexisted relatively peacefully, some observers have cited inter-ethnic tensions between Wolofs and southern ethnic groups as playing a significant role in the long-running Casamance rebellion that was characterized by grievous human rights abuses. During the year, there was little violence in Casamance, and the Government and MFDC rebel leaders signed a formal ceasefire on December 30.

Section 6 Worker Rights

a. The Right of Association

The Constitution and the Labor Code provide all workers with the right of association and the freedom to form or join unions, and workers exercised this right in practice. The Labor Code requires the Minister of the Interior to give prior authorization before a trade union can exist legally, and the Government can also dissolve trade unions by administrative order; however, it did not dissolve any trade unions. Approximately 4 percent of the total work force worked in the private industrial sector, and most of these workers were unionized. Although they represented a shrinking percentage of the working population due to a loss in industrial jobs, the country's 16 labor associations, each consisting of multiple unions, wielded

significant political influence because of their ability to disrupt vital sectors of the economy and the significant ties between union and political party leaders.

b. The Right to Organize and Bargain Collectively

The law provides unions with the rights to organize and to bargain collectively, and these rights are protected in practice. The Constitution and the Labor Code provide for the right to strike, but with significant restrictions; however, workers exercised this right in practice. Unions representing members of the civil service must notify the Government of their intent to strike at least 1 month in advance; private sector unions must notify the Government 3 days in advance. There are no special laws or exemptions from regular labor laws in the one export processing zone.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports such practices occurred (see Section 5 and 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment

The Constitution bans the exploitation of child labor, and the Government enforced this ban in the formal sector; however, there were reports that forced child labor occurred.

In 2003, the Government adopted four regulations on child labor that set the minimum working age, working hours, working conditions, and barred children from performing particularly dangerous jobs; however most child labor occurred in the country's informal economic sector where labor regulations were not enforced.

The minimum age for employment was 15; however, children under the age of 15 continued to work in traditional labor sectors, such as automotive garages, animal husbandry, and fishing, particularly in rural areas where there was no enforcement of child labor laws. Some religious instructors in Koranic schools brought young boys from rural villages to urban areas and held them under conditions of servitude, forcing them to beg on a daily basis in unsanitary and dangerous conditions under the threat of physical punishment. Young girls worked as domestics, usually receiving little to no remuneration for their work.

On July 22, the Minister of Labor signed a Time-Bound Program with the International Labor Organization (ILO) to reduce the worst forms of child labor, which the Government and the ILO identified as child begging, sexual exploitation of children, underage domestics, fishing, and animal husbandry. The Ministry of Family worked separately with UNICEF and the Italian Government to combat child labor.

Ministry of Labor (MOL) and its Social Security Inspectors were in charge of investigating and initiating lawsuits in child labor cases. Inspectors can visit any institution during work hours to verify and investigate compliance with labor laws. Inspectors can also act on tips from trade unions or ordinary citizens; however, in practice inspectors did not initiate visits because of a lack of resources, and relied on unions to report violators. MOL inspectors closely monitored and enforced minimum age rules within the small formal-wage sector, which included state-owned corporations, large private enterprises, and cooperatives.

As a result of the 1998 International Program for the Elimination of Child Labor (IPEC), which ended in December 2003, some children who worked as garbage scavengers were placed in apprenticeship and literacy programs. Young girls employed as underage domestics in Dakar received vocational training or were returned to their parents. The program also spurred awareness campaigns to increase girls' enrollment in school and to educate the public on the dangers of pesticides to children and adults working in agriculture.

e. Acceptable Conditions of Work

The law mandates a monthly minimum wage, and the Ministries of Labor and Finance determine wage rates after negotiating with the unions and management councils. The national minimum wage was \$0.42 (209.10 CFA francs) per hour, which did not provide a decent standard of living for a worker and family.

Within the formal sector, the law mandates for most occupations a standard workweek of 40 to 48 hours with at least one 24-hour rest period, 1 month per year of annual leave, enrollment in government social security and retirement plans, safety standards, and other measures. Enforcement was uneven, particularly outside of the formal sector.

While there are legal regulations on workplace safety, they often were not enforced. There is no explicit legal protection for workers who file complaints about unsafe working conditions. Workers had the right to remove themselves from situations that endangered health or safety; however, it was seldom exercised due to high unemployment and a slow legal system.